THE HON'BLE SRI JUSTICE B. PRAKASH RAO

AND

THE HON'BLE SRI JUSTICE D. APPA RAO

–

W.A.No. 182 of 2006

Date: 22.02.2006

Between:

G. Mallaiah

…… Appellants.

And

The APSRTC, rep. By its Managing Director, Musheerabad, Hyderabad and others

……. Respondents

THE HON'BLE SRI JUSTICE B. PRAKASH RAO

AND

THE HON'BLE SRI JUSTICE D. APPA RAO

–

W.A.No. 182 of 2006

JUDGMENT: *(per the Hon'ble Sri Justice B. Prakash Rao)*

Heard the learned counsel on either side and at their request the main appeal itself is taken up for disposal at the stage of admission.

The appellant, who is the employee of the respondent-Corporation, seeks to assail the order dated 02.11.2005 of the learned Single Judge in W.V.M.P.No.2574 of 2005 in W.P.M.P.No.11490 of 2005 in W.P.No.8682 of 2005, making the interim suspension of the Award as absolute.

The main grievance of the appellant is that having regard to the findings as arrived at by the labour Court and also having regard to various other facts, the respondents are not entitled to seek interim suspension of the award. It is submitted that only by taking into account the fact that there is substantial arguable points involved in the writ petition, the learned Single Judge was not inclined to vacate the interim order of suspension. Therefore, it is not open for this Court to go into the merits either way, especially at this stage.

In the circumstances, we do not find any merits in the appeal.

The writ appeal is, therefore, dismissed. There shall be no order as to costs.

Since it is represented by the learned counsel for the appellant that the appellant is retiring shortly and having regard to such urgency, the office is directed to post the main writ petition itself for 'final hearing' on 13.03.2006 subject to part-heard.

It is needless to mention that if any amount is deposited by the respondents herein before the labour Court, it shall be open for the appellant to withdraw the same without furnishing any security.

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(B.PRAKASH RAO.J)

(D. APPA RAO.J)

ksld

Dt.22.02.2006